

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK BURKET, et al.,  
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,  
Third-Party Defendants.

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Case No. 05-72110  
Honorable Patrick J. Duggan

JENNIFER ADAMS, et al.,  
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Counter and Third-Party Plaintiff,

v.

KEITH MOHN, et al.,  
Counter and Third-Party Defendants.

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Case No. 05-72171  
Honorable Patrick J. Duggan

WILLIAM CLIFF, et al.,

Plaintiffs,  
v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,  
Third-Party Defendants.

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Case No. 05-72221  
Honorable Patrick J. Duggan

### **ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on January 30, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This matter is before the Court in three separate, but related lawsuits alleging Exchange Act and state law violations: *Burket et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72110; *Adams et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72171; and *Cliff et al. v. Hyman Lippitt P.C., et al.*, Case No. 05-72221.<sup>1</sup> Presently before this Court is the Hyman Lippitt Defendants'<sup>2</sup> 28 U.S.C. § 636(b)(1) "Objections To And Appeal From" Magistrate Judge

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<sup>1</sup>On August 16, 2006, this Court issued an Order consolidating these cases for discovery purposes. Although the motions addressed in this Opinion and Order were filed before the consolidation order, they are identical in substance and were filed separately in each lawsuit.

<sup>2</sup>"Hyman Lippitt Defendants" includes Defendant Hyman Lippitt, P.C. and individual Defendants Norman Lippitt, Douglas Hyman, Brian O'Keefe, John Sellers, and John Does #1-20. (Dfts.' Mot. at 1). In this Opinion and Order, when the Court refers to Defendants it means the "Hyman Lippitt Defendants" collectively.

Majzoub's August 9, 2006 Order, which was filed on August 23, 2006. Plaintiffs in the three separate lawsuits have not responded and the time for response has expired. *See* E.D. Mich. L.R. 7.1(d)(2)(B).

On January 23, 2007, this Court issued an Opinion and Order denying in part Defendants' Objections to an Appeal from Magistrate Judge Majzoub's August 9, 2006 Order. In the January 23, 2007 Opinion and Order, the Court left unresolved Defendant's second basis for objection and appeal, in which Defendants contend that Magistrate Judge Majzoub failed to provide Defendants with a judicial determination on the use of "confidences" and "secrets"<sup>3</sup> obtained during the representation of former, non-party clients. A hearing on Defendants' second basis for objection and appeal was held on January 26, 2007.

For the reasons set forth at the hearing,

**IT IS ORDERED** that Defendants' second basis for Objection to an Appeal from Magistrate Judge Majzoub's August 9, 2006 Order is **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Susan Brown, Jay Schwartz, James Eggenberger, Andrew Wilson  
Steven Susser, Rodger Young  
T.S. Givens  
Jack Mazzara  
Thomas Blaske

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<sup>3</sup>"Confidences" and "secrets" are defined by Rule 1.6 of the Michigan Rules of Professional Conduct.

Neil Vonfeldt  
Michael Baratta  
Magistrate Judge Mona Majzoub